



# **TRAFFIC VIOLATOR SCHOOL PROGRAM HANDBOOK**



# APPLICATION REQUIREMENTS FOR TRAFFIC VIOLATOR SCHOOL PROGRAM

## PURPOSE

The purpose of this pamphlet is to assist the prospective traffic violator school owner, school operator, and school instructor applicant by describing the requirements to obtain a license from the Department of Motor Vehicles (DMV).

## WHAT IS . . .

A **“traffic violator school”** is a business which for compensation provides, or offers to provide, instruction in traffic safety, including, but not limited to, classroom defensive driver concepts, for persons referred by a court. *CVC Section 626*

A **“traffic violator school owner”** is any natural person, association, or corporation that owns a traffic violator school. *CVC Section 626.8*

A **“traffic violator school operator”** is a person who directs and manages the operations of a traffic violator school. *CVC Section 626.6*

A **“traffic violator school instructor”** is any person who provides instruction to traffic violators on behalf of a traffic violator school. *CVC Section 626.4*

The California Vehicle Code provides for the licensing of traffic violator schools and instructors. *CVC Section 11200*. These regulations appear in Title 13, California Code of Regulations, Article 4.7, Traffic Violator Schools and Instructors.

## BACKGROUND INVESTIGATION

A background investigation is conducted on all applicants. Failure to disclose any and all convictions requested on the application may result in the refusal or denial of your license. The department may refuse to issue a license to any applicant who has been convicted of a crime or committed any act or engaged in any conduct involving moral turpitude which is substantially related to the qualifications, functions, or duties of the licensed activity. A conviction based on plea of nolo contendere is a conviction within the meaning of this section. *CVC Sections 11106, 11206.5, 11211, 11215, and 11215.7* Persons previously working under a license issued by DMV, which was revoked or suspended for cause may also be denied a license. In addition, the California Code of Regulations (CCR) and other sections of the California Vehicle Code provides guidelines used by the department in determining whether a license should be issued. *CCR, Title 13, Chapter 1.*

## ADDITIONAL INFORMATION

### Completion Certificates

Traffic Violator School Completion Certificates can be purchased at local DMV offices participating in the Traffic Violator School Program or by requesting them from the:

Traffic Violator School Unit  
P.O. Box 825383  
Sacramento, CA 94232-5385  
Phone (916) 657-6549

These certificates are purchased in a lot of 50 each for a total price of \$75.

## SUGGESTED STUDY MATERIAL

Applicants are urged to prepare themselves before taking an examination. Books and publications on the subject of driver safety and education are available at libraries, automobile clubs, and the employing school.

California Vehicle Code. Division 1, Sections 626 et al, 1650, 1670, and 1671; Division 5, Chapter 1.5, Sections 11200 et al; Divisions 6, 7, 9, 10, 11, and 12. The California Vehicle Code is available for purchase from the Department of Motor Vehicles and can also be found on the internet at: <http://www.dmv.ca.gov>

California Drivers Handbook. Available free of charge at any Department of Motor Vehicles office.

California Code of Regulations. Title 13, Articles 2.5, 4 and 4.7, Sections 345 et al.

## **APPLICATION REQUIREMENTS FOR A TRAFFIC VIOLATOR SCHOOL OWNER LICENSE**

The requirements are defined in Vehicle Code Sections 626, and 11202 et seq. and California Code of Regulations, Title 13, Article 4.7, Sections 345.02 through 345.90.

### **Every applicant for a traffic violator school owner's license must:**

- File an application with the department. *CCR, Title 13, Section 345.02 et seq.* This application is submitted in **two** parts.
  - An approved lesson plan for your school is required as part of the Part I application process. You will not be allowed to submit the Part II application, forms and fees until you have an approved lesson plan for your school. The Part I application process *may* last for several months.
  - The lesson plan must follow the course core topics as listed in the Course Core Topics and Requirements for State of California, Department of Motor Vehicles Approved Traffic Violator School, 400 Minute Curriculum, **OL 613**. If an applicant decides to purchase an **approved lesson plan**, the applicant will need to get a letter from the approved lesson plan provider stating your school has permission to use the purchased lesson plan. *CCR, Title 13, Sections 345.02(d)(5) and 345.30 et seq.*
- Pay the required fees. *CVC Section 11208 et seq. and 11208 et seq.*
- Submit name of proposed traffic violator school to the department for approval. *CCR, Title 13, Section 345.02(d)(5)(e)(7)*
- Have an established place of business open to the public. After making an appointment with an Occupational Licensing Inspector he or she will conduct an inspection of your place of business. *CVC Section 320, 1670, 1671 and 11202(a)*
- Have the qualifications to be a licensed "traffic violator school operator" *CVC Sections 626.6 & 11202.5* or have in his employ a "traffic violator school operator."
- File a surety bond in the amount of \$2,000. *CVC Sections 11202 (a)(3) and 11203, CCR, Title 13, Sections 345.02(d)(5)(e)(2), 345.65, and 345.66*
- Have a classroom approved by the department. After making an appointment with an Occupational Licensing Inspector he or she will conduct an inspection of your classroom facility. **NOTE:** Pursuant to the American Disabilities Act of 1991, facilities must be accessible for the handicapped. *CVC Sections 11202(a)(4) and 11202(a)(8), and CCR, Title 13, Sections 345.02(d)(5)(e)(4) and 345.02(d)(5)(e)(5)*
- Conform to standards established by regulation of the department. *CVC Section 11202 (a)(2)*
- Execute and file with the department an instrument designating the director as agent of the applicant for service of process. *CVC Section 11202 (6) and CCR, Title 13, Section 345.02(d)(5)(e)(8)*
- Provide the department with a written assurance that the school will comply with the Americans with Disabilities Act. *CVC Section 11202(a)(8)*

## **TRAFFIC VIOLATOR SCHOOL OWNER'S LICENSING FEES**

The fees to become a traffic violator school owner are:

- \$150 Non-refundable application fee
- \$ 1 For Family Support Program
- \$ 70 For each branch license or license modification
- \$ 15 Replacement or duplicate license

To purchase traffic violator school completion certificates:

- \$ 75 Completion Certificates (in lot of 50) (\$1.50 each)

An application must be completed ***within*** one year or a new application, all examinations, and fees shall be required. (Note: fees are good for three (3) test attempts or one year.)

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

The license to own a school does not include the right to give instruction.

## **TRAFFIC VIOLATOR SCHOOL OWNER'S LICENSE FORMS**

**An application for a traffic violator school owner license is in two parts:**

### **PART I**

- **OL 760**, Application for Traffic Violator School (TVS) Owner License, Part I
- **OL 29**, Personal History Questionnaire, Part B (for owner)
- **OL 227**, Authorized Signatures
- **OL 613**, 400 Minute Curriculum to be used in developing a lesson plan or a list of lesson plan providers
- **OL 704**, Surety Bond of Traffic Violator School (TVS) Owner
- **OL 745**, Traffic Violator School Classroom Location
- **OL 1000, TVS Program Handbook**
- California Code of Regulations, Title 13, Division 1, Chapter 1, Article 4.7 Regulations
- Live Scan Fingerprint Receipt

Completed Part I, Traffic Violator School owner applications and forms must be submitted to the  
Department of Motor Vehicles,  
Traffic Violator School Unit,  
P.O. Box 825383, N229  
Sacramento, CA 94232-5383

After you Part I package has been reviewed and approved, you will receive a formal letter of approval for your Part I application from the Department of Motor Vehicles, Traffic Violator School Unit. With that letter you will receive the Part II package.

**Note:** Your lesson plan must be approved before you can submit your Part II, Traffic Violator School owner applications and forms.

### **PART II**

- **OL 713**, Application for Traffic Violator School (TVS) Owner License, Part II
- **OL 29**, Personal History Questionnaire, Part B (for operator)
- **OL 602**, Certificate of Appointment
- **OL 611**, Request for Court Approval of Substitute Traffic Violator School Name
- **OL 612**, Request for Court Approval of Traffic Violator School (TVS) Name for Addition to TVS Classroom Location List
- **OL 704**, Surety Bond of Traffic Violator School (TVS) Owner
- **OL 710**, Application for Instructor's License, Traffic Violator School (TVS)
- **OL 712**, Traffic Violator School Branch Business Office/Classroom Application
- **OL 751**, Application for Traffic Violator School (TVS) Operator License
- **OL 754**, Certificate for all Individuals Listed on Corporate Structure
- Established Place of Business *CVC Sections 320, 1670 and 1671(a)*
- Live Scan Fingerprint Receipt

Completed Part II, Traffic Violator School owner applications and forms must be submitted to an Occupational Licensing Inspector.

### **TRAFFIC VIOLATOR SCHOOL OWNER RENEWAL FEES**

The fees to renew a traffic violator school owner license are:

- \$ 1 For Family Support Program
- \$ 50 Renewal application fee
- \$ 50 Renewal branch location fee (each location)

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

### **TRAFFIC VIOLATOR SCHOOL OWNER'S LICENSE RENEWAL FORMS**

An application for renewal of a traffic violator school owners license:

- **OL 701**, Application for Renewal of Traffic Violator School (TVS) License
- **OL 701A**, Application for Renewal of Traffic Violator School (TVS) License
- **OL 737**, Classroom/Branch Renewal Application

### **FEES TO CHANGE A TRAFFIC VIOLATOR SCHOOL OWNER'S LICENSE**

The fees to change a traffic violator school owner license are:

- \$ 70 Name change
- \$ 70 For each branch license or license modification
- \$ 15 Replacement or duplicate license

An application must be completed ***within*** one year or a new application with all examinations and fees will be required.

The license to own a traffic violator school does not include the right to give instruction or to operate the school.

### **FORMS TO CHANGE A TRAFFIC VIOLATOR SCHOOL OWNER'S LICENSE**

Form(s) to change your existing traffic violator school owner license:

- **OL 227**, Authorized Signatures
- **OL 736**, Application for TVS Change of DBA, Add DBA, Change of Business Address, or Duplicate License
- **OL 757**, Application for Traffic Violator School (TVS) Administrator Change

## **APPLICATION REQUIREMENTS FOR A TRAFFIC VIOLATOR SCHOOL OPERATOR LICENSE**

### **TRAFFIC VIOLATOR SCHOOL OPERATOR'S LICENSING FEES**

The fees to become a traffic violator school operator are:

- \$100 Non-refundable application fee
- \$ 1 For Family Support Program
- \$ 15 Duplicate or replacement license
- \$ 15 Transfer of license (to another school)

An application must be completed *within* one year or a new application with all examinations and fees will be required.

The license to operate a traffic violator school does not include the right to give instruction.

A traffic violator school operator may perform operator services for more than one school; however, the operator shall possess a valid license for each school. *CCR Sections 345.04 & 345.11*

### **TRAFFIC VIOLATOR SCHOOL OPERATOR'S LICENSE FORMS**

An application for a traffic violator school operator license consists of the following forms:

- **OL 751**, Application for a Traffic Violator School (TVS) Operator License
- **OL 29**, Personal History Questionnaire, Part B
- Traffic Violator School Operator Examination

The following documents are **also** required as part of the application package:

- Proof of High School Graduation or Equivalent
- 500 Hour Certification

### **TRAFFIC VIOLATOR SCHOOL OPERATOR RENEWAL FEES**

The fees to renew a traffic violator school operator license are:

- \$ 1 For Family Support Program
- \$ 50 Renewal application fee

### **TRAFFIC VIOLATOR SCHOOL OPERATOR'S LICENSE RENEWAL FORM**

An application for renewal of a traffic violator school operator license:

- **OL 756**, Application for Renewal of TVS Operator License

### **FEES TO CHANGE A TRAFFIC VIOLATOR SCHOOL OPERATOR'S LICENSE**

The fees to change a traffic violator school operator license are:

- \$ 15 Name change
- \$ 15 Duplicate or replacement license
- \$ 15 Transfer of license (to another school)

An application must be completed *within* one year or a new application with all examinations and fees will be required.

The license to operate a traffic violator school does not include the right to give instruction.

A traffic violator school operator may perform operator services for more than one school; however, the operator shall possess a valid license for each school. *CCR Sections 345.04 & 345.11*

### **FORMS TO CHANGE A TRAFFIC VIOLATOR SCHOOL OPERATOR'S LICENSE**

Form(s) to change your existing traffic violator school operator license:

- **OL 609**, TVS Public School Instructor, Certification/Deletion

- **OL 755**, Application for Change: TVS Operator License
- **OL 757**, Application for Traffic Violator School (TVS) Administrator Change

## **APPLICATION REQUIREMENTS FOR A TRAFFIC VIOLATOR SCHOOL INSTRUCTOR LICENSE**

### **TRAFFIC VIOLATOR SCHOOL INSTRUCTOR'S LICENSING FEES**

The fees to become a traffic violator school instructor are:

- \$30 Non-refundable application
- \$ 1 For Family Support Program
- \$15 Duplicate or replacement license fee
- \$15 Transfer of license (to another school)

An application must be completed *within* one year or a new application with all examinations and fees will be required.

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

### **TRAFFIC VIOLATOR SCHOOL INSTRUCTOR'S LICENSE FORMS**

An application for a traffic violator school instructor license consists of the following forms:

- **OL 710**, Application for Instructor's License, Traffic Violator School (TVS)
- **OL 29**, Personal History Questionnaire, Part B
- Live Scan Fingerprint Receipt

The following documents are **also** required as part of the application package:

- Proof of High School Graduation or Equivalent
- Results of Written Examination

### **TRAFFIC VIOLATOR SCHOOL INSTRUCTOR RENEWAL FEES**

The fees to renew a traffic violator school instructor license are:

- \$ 1 For Family Support Program
- \$30 Renewal application fee

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

### **TRAFFIC VIOLATOR SCHOOL INSTRUCTOR'S LICENSE RENEWAL FORM**

An application for renewal of a traffic violator school instructors license:

- **OL 740**, Application for Renewal of TVS Instructor License

### **FEES TO CHANGE A TRAFFIC VIOLATOR SCHOOL INSTRUCTOR'S LICENSE**

The fees to change a traffic violator school instructor license are:

- \$15 Duplicate or replacement license
- \$15 Name Change
- \$15 Transfer of license (to another school)

An application must be completed *within* one year or a new application with all examinations and fees will be required.

The license to give instruction at a traffic violator school does not include the right to operate the school.

### **FORMS TO CHANGE A TRAFFIC VIOLATOR SCHOOL INSTRUCTOR'S LICENSE**

Form(s) to change your existing traffic violator school instructor license:

- **OL 711**, Application for Change: TVS Instructor License



## **ADDITIONAL REQUIREMENTS**

### **TRAFFIC VIOLATOR SCHOOL OPERATOR EXAMINATION**

An applicant for a traffic violator school operator license will be given a written exam that covers:

- Traffic laws
- Safe driving practices
- Safe operation of motor vehicles
- Knowledge of teaching methods and techniques
- Traffic violator school statutes and regulations, office procedures and record keeping

### **TRAFFIC VIOLATOR SCHOOL INSTRUCTOR EXAMINATION REQUIRED**

An applicant for a traffic violator school instructor license will be given a written exam that covers:

- Traffic laws
- Safe driving practices
- Safe operation of motor vehicles
- Knowledge of teaching methods and techniques

### **TRAFFIC VIOLATOR SCHOOL - FREQUENTLY ASKED QUESTIONS**

Listed below are the most frequently asked questions for Traffic Violator Schools, Traffic Violator School Operators and Traffic Violator School Instructors. This list is not all inclusive nor is it intended to be. If you have any questions, please contact your local Inspector or call (916) 657-6549.

#### **Where do I obtain application forms?**

All forms and application packages can be ordered by calling (916) 657-6549 or printed or downloaded from the internet.

For traffic violator school owners the application process is in two parts. Part I must be completed before the Part II process can begin. Further licensing information is contained in the application package.

#### **How long will it take for the department to process my application?**

The average time for processing an application may be up to 120 days to allow the Department time for investigation and processing of the license.

For traffic school owners, the department will not approve the Part I process until the traffic violator school has an approved lesson plan for their school. This lesson plan can be written using the curriculum guidelines published by the department, **OL 613**, or can be purchased from the department's list of approved lesson plans. If the applicant decides to purchase a lesson plan, they will need to get a letter of authorization from the lesson plan provider authorizing the school to use their lesson plan.

#### **Does the department issue temporary permits?**

Pending the satisfaction of the department that the applicant has met the requirements for the license, the department may issue a temporary permit for a period not to exceed 120 days while it completes its investigation and determination of all facts relative to the qualifications of the applicant to the license.

For traffic violator schools, a temporary permit will not be issued until the Part II process has been completed.

*CVC Section 11210*

#### **Where do I file my application?**

Completed traffic violator school owner applications and forms (Part I) must be submitted to the Traffic Violator School Unit in Sacramento. Part II applications and forms must be submitted to an Occupational Licensing Inspector.

Completed traffic violator school operator applications and forms must be submitted to an Occupational Licensing Inspector.

Completed traffic violator school/independent instructor applications and forms must be submitted to a Department of Motor Vehicle local office participating in the traffic violator school program. See below

### **Field Office Locations for Traffic Violator School Program**

Use the following list to determine the nearest field office location to turn in your instructor application and forms.

Bakersfield ..... 3120 F Street  
Eureka ..... 322 W 15th Street  
Fresno ..... 655 W Olive Avenue  
Inglewood ..... 621 N La Brea Avenue  
Los Angeles ..... 3615 S Hope Street  
Montebello ..... 424 N Wilcox Avenue  
Oakland ..... 5300 Claremont Avenue  
.....(closed—will reopen in 2000)  
Oxnard ..... 4050 S Saviers Road  
Redding ..... 2135 Akard Avenue  
Sacramento ..... 4700 Broadway

San Bernardino ..... 1310 Waterman Avenue  
San Diego ..... 3960 Normal Street  
San Francisco ..... 1377 Fell Street  
San Jose ..... 111 W Alma Avenue  
Santa Ana ..... 1330 E 1st Street  
Santa Rosa ..... 2570 Corby Avenue  
Seaside ..... 1180 Canyon Del Rey  
Stockton ..... 710 N American Street  
West Covina ..... 800 S Glendora Avenue  
Winnetka ..... 20725 Sherman Way  
Yuba City ..... 1570 Poole Boulevard

### **I own a traffic violator school. Must I obtain additional licenses to operate the school or to provide traffic violator school instruction?**

Yes. The license to own a traffic violator school does not include the right to give instruction or to operate the school.

### **Can a traffic violator school operator perform operator services for more than one school?**

Yes, a traffic violator school operator may perform operator services for more than one school; however, the operator **must** possess a valid license for *each* school. *CVC Sections 345.04 & 345.11*

### **I have a traffic violator school operator license. Must I obtain additional licenses to provide traffic violator school instruction?**

Yes. The license to operate the traffic violator school does not include the right to give traffic violator school instruction.

### **I have a traffic violator school instructor license. Must I obtain additional licenses to operate the school?**

Yes. The license to provide traffic violator school instruction does not include the right to operate the school.

### **I have a traffic violator school instructor license. Must I obtain additional licenses to instruct at other schools?**

Yes. You must obtain permission from the owner of your current license and apply for a separate license for the additional school.

### **What if fail the written test?**

Each failure of the examination will require a waiting period of at least one week before a reexamination may be given. A third failure of the examination will require the submission of a new application and the appropriate fees.

### **Where do I call if I have questions?**

If you have general licensing questions you may call (916) 657-6549.

### **Is a written exam required every three years?**

Yes. However, a licensee can substitute 18 hours of continuing professional education in lieu of taking the written exam. **OL 759**, Occupational Licensing Instructor Continuing Professional Education Credit Verification, must be submitted to the department to waive the written exam.

**What is the license renewal period?**

The traffic violator school owner license is valid for one year and is not transferable to another person.

The traffic violator school owner license is renewed thirty days prior to the expiration of the license. The traffic violator school owner will not be able to renew the license after the date of expiration; a new application will be required.

The traffic violator school operator license is valid for two years and is not transferable to another person. The traffic violator school operator license must be renewed prior to the expiration date of the license. The traffic violator school operator will not be able to renew the license after the date of expiration; a new application will be required.

The traffic violator school instructor license is normally valid for a period of three years following the date of issuance unless canceled, suspended, or revoked by the department and is not transferable to another person. The traffic violator school instructor license must be renewed prior to the expiration date of the license. The traffic violator school instructor will not be able to renew the license after the date of expiration.

*CVC Section 11207*

**How do I renew my traffic violator school owner or operator license?**

About 45 days before the expiration of your license you should receive a courtesy notice for renewal. After you complete the courtesy notice, you will need to mail your renewal form and fees to:

Department of Motor Vehicles  
Occupational Licensing Branch  
P.O. Box 932342  
Sacramento, CA 94232-3420

If you do not receive a courtesy notice please call (916) 657-6549.

**What is live scan fingerprinting?**

Live Scan is inkless electronic fingerprinting. The fingerprints are electronically transmitted to the Department of Justice (DOJ) for completion of a criminal record check.

**Who is affected by it?**

Anyone applying for the first time to be licensed as a vehicle salesperson, dealer, driving instructor or any other vehicle industry related occupation licensed by DMV will be live scan fingerprinted. It also applies to first time applicants for an ambulance driver certificate.

**Why "Live Scan" fingerprinting?**

As a result of legislation in late 1997, DOJ has developed an automated background check process that requires digitized fingerprints ("Live Scan"). Beginning January 1, 2000, DOJ has asked that fingerprints be submitted by Live Scan rather than hard copy fingerprint cards. Digitizing the fingerprints enables the electronic transfer of the fingerprint image data along with personal descriptor information to computers at the DOJ in a matter of seconds, instead of the days required to send hard copy fingerprint cards through the mail. DOJ's goal is to process 95% of the digitized fingerprints within 3 days.

**When does it start?**

Live scan fingerprinting for DMV applicants will start January 1, 2000.

**What is the cost to be live scan fingerprinted?**

The live scan fingerprinting service fee varies from about \$5 to \$20. The cost to electronically fingerprint the applicant is determined by the local live scan agency. According to DOJ, they can charge a fee sufficient to recover their costs. The \$32 DOJ criminal record check fee is also collected at the live scan site.

**What will the applicant need to do to be live scan fingerprinted?**

The applicant can call the local police or sheriff's department to find their local Live Scan sites that are open to the general public. The applicant can also call the department's Occupational Licensing offices in Sacramento (916) 657-6621 or Los Angeles (213) 744-7563 and be mailed the department's live scan request form. A sample of the department's live scan form can be found on the Internet. If the licensee does not use the

department's live scan form, it is suggested that he/she take a sample of the form with them to ensure the live scan has all the information needed for transmitting the data to Occupational Licensing.

***Note: the applicant must go to a Live Scan site to be Live Scan fingerprinted BEFORE applying for an occupational license at DMV. If you have held an Occupational License issued by DMV in the past 3 years, you may not require a new set of prints.***

#### **Where are the live scan sites?**

There are more than 130 live scan sites throughout the state. A current list of DOJ's Live Scan stations is available through DOJ's internet web page. The internet address is:

<http://caag.state.ca.us/app/contact.pdf>

Or, you may call your local police or sheriff's department for the nearest Live Scan station that is available to the general public.

#### **What are the benefits of Live Scan?**

Live Scan will avoid many of the problems associated with ink prints, such as smudging, smearing, and over or under inking. A major benefit of Live Scan is in processing speed since nearly all of those without criminal records are done within 3 days. Rolled ink prints (traditionally submitted on a fingerprint card) can take 10 to 12 days to process and up to 60 days if there is a criminal record.

### **TRAFFIC VIOLATOR SCHOOL LICENSING AUTHORITY**

California Vehicle Code. Sections 320 (a), 626, 626.2, 626.4, 626.6, 626.8, 1651, 1670, 1671, 1803.5, 1808.7, 11200 to 11222, 40509.1, 40512.6, 41501, 42005, 42005.1, 42005.3, 42005.5, 42007, and 42007.1; Divisions 6, 7, 9, 10, 11 and 12. The California Vehicle Code is available for purchase from the Department of Motor Vehicles.

#### *Established Place of Business*

320. "Established place of business" is a place actually occupied either continuously or at regular periods by any of the following:

(a) A dealer, remanufacturer, remanufacturer branch, manufacturer, manufacturer branch, distributor, distributor branch, automobile driving school, or traffic violator school where the books and records pertinent to the type of business being conducted are kept.

(b) An automobile dismantler where the books and records pertinent to the type of business being conducted are kept. A place of business of an automobile dismantler which qualified as an "established place of business" before September 17, 1970, is an "established place of business" as defined in this section.

(c) A registration service where the books and records pertinent to the type of business being conducted are kept.

*Amended Ch. 1243, Stats. 1992. Effective September 30, 1992.*

#### *Traffic Violator School*

626. A "traffic violator school" is a business which for compensation provides, or offers to provide, instruction in traffic safety, including, but not limited to, classroom defensive-driver concepts, for persons referred by a court pursuant to Section 42005.

*Added Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Traffic Violator School Branch or Classroom Location*

626.2. A "traffic violator school branch or classroom location" is any place where a traffic violator school conducts instruction or maintains records.

*Added Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Traffic Violator School Instructor*

626.4. A “traffic violator school instructor” is any person who provides instruction to traffic violators on behalf of a traffic violator school.

*Added Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Traffic Violator School Operator*

626.6. A “traffic violator school operator” is the person who directs and manages the operations of a traffic violator school.

A “traffic violator school operator” may be either the traffic violator school owner or another person designated by the traffic violator school owner to personally direct and manage the traffic violator school for the traffic violator school owner.

*Added Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Traffic Violator School Owner*

626.8. A “traffic violator school owner” is any natural person, association, or corporation that owns a traffic violator school.

*Added Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Rules and Regulations*

1651. The director may adopt and enforce rules and regulations as may be necessary to carry out the provisions of this code relating to the department.

Rules and regulations shall be adopted, amended, or repealed in accordance with the Administrative Procedure Act, commencing with Section 11370 of the Government Code.

*Amended Ch. 1500, Stats. 1965. Effective September 17, 1965.*

#### *Occupational Licensee: More Than One Type of Business*

1670. A licensee issued an occupational license by the department and conducting more than one type of business from an established place of business shall provide a clear physical division between the types of business involving vehicles or their component parts. The established place of business shall be open to inspection of the premises, pertinent records, and vehicles by any peace officer during business hours.

*Added Ch. 106, Stats. 1985. Effective January 1, 1986.*

#### *Established Place of Business: Requirements*

1671. (a) The established place of business of a dealer, remanufacturer, remanufacturer branch, manufacturer, manufacturer branch, distributor, distributor branch, automobile driving school, or traffic violator school shall have an office and a dealer, manufacturer, or remanufacturer shall also have a display or manufacturing area situated on the same property where the business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single- or multiple-unit dwelling house is used as an office or offices of an established place of business, the room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, manufacturer branch, remanufacturer, remanufacturer branch, distributor, distributor branch, automobile driving school, or traffic violator school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into the room or rooms from the exterior of the building. A dealer who does not offer new or used vehicles for sale at retail, a dealer who has been issued an autobroker’s endorsement to his or her dealer’s license and who does not also sell motor vehicles at retail, or a dealer who is a wholesaler involved for profit only in the sale of vehicles between licensed dealers, shall have an office, but a display area is not required.

(b) The established place of business of an automobile dismantler shall have an office and a dismantling area located in a zone property zoned for that purpose by the city or county.

*Amended Ch. 1253, Stats. 1994. Effective January 1, 1995.*

*Amended Sec. 2, Ch. 211, Stats. 1995. Effective January 1, 1996.*

*Report of Court Action: Traffic Violator School Attendance*

1803.5. Every clerk of a court or hearing officer, when a person who receives a notice to appear at a court or board proceeding for a violation of any statute relating to the safe operation of vehicles is granted a continuance of the proceeding in consideration for attendance at a school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction, and which results in a dismissal of the complaint in consideration for that attendance, shall prepare an abstract of the record of the court or board proceeding, certify the abstract to be true and correct, and cause the abstract to be forwarded to the department at its office at Sacramento within 10 days after the complaint is dismissed.

*Amended Ch. 1417, Stats. 1989. Effective January 1, 1990.*

*Confidential Records: Traffic Violator School Attendance*

1808.7. The record of the department relating to the first proceeding and dismissal under Section 1803.5 in any 18-month period for participation by a person in a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction, is confidential, shall not be disclosed to any person, except a court, and shall be used only for statistical purposes by the department.

*Amended Ch. 1465, Stats. 1989. Effective January 1, 1990.*

*Amended Ch. 93, Stats. 1990. Effective May 16, 1990.*

*License Required*

11200. The department shall license schools for traffic violators for purposes of Section 42005. No person shall own or operate a traffic violator school or, except as provided in Section 11206, give instruction for compensation in a traffic violator school without a currently valid license issued by the department.

*Amended Ch. 396, Stats. 1985. Effective July 30, 1985.*

*Requirements For Traffic Violator School Owners*

11202. (a) Except as provided in subdivision (c), a traffic violator school owner shall meet all of the following criteria before a license may be issued for the traffic violator school:

(1) Maintain an established place of business in this state which is open to the public. No office or place of business of a traffic violator school, including any traffic violator school branch or classroom location, may be situated within 500 feet of any court of law, unless the owner was established at the location on or before July 1, 1984.

(2) Conform to standards established by regulation of the department. In adopting the standards, the department shall consider those practices and instructional programs which may reasonably foster the knowledge, skills, and judgment necessary for compliance with traffic laws. The standards may include, but are not limited to, school personnel, equipment, curriculum, procedures for the testing and evaluation of students, recordkeeping, and business practices.

(3) Procure and file with the department a bond of two thousand dollars (\$2,000) executed by an admitted surety and conditioned upon the applicant not practicing any fraud or making any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant or to the state or any local authority.

(4) Have a classroom approved by the department and the proper equipment necessary for giving instruction to traffic violators.

(5) Have a lesson plan approved by the department and provide not less than the minimum instructional time specified in the plan. An approved lesson plan shall provide a minimum of 400 minutes of instruction, except that a lesson plan for instructing persons under the age of 18 may provide a minimum of 600 minutes of instruction.

(6) (A) Execute and file with the department an instrument designating the director as agent of the applicant for service of process, as provided in this paragraph, in any action commenced against the applicant arising out of any claim for damages suffered by any person by the applicant's violation of any provision of

this code committed in relation to the specifications of the applicant's traffic violator school or any condition of the bond required by paragraph (3).

(B) The applicant shall stipulate in the instrument that any process directed to the applicant, when personal service cannot be made in this state after due diligence, may be served instead upon the director or, in the director's absence from the department's principal offices, upon any employee in charge of the office of the director, and this substituted service is of the same effect as personal service on the applicant. The instrument shall further stipulate that the agency created by the designation shall continue during the period covered by the license issued pursuant to this section and so long thereafter as the applicant may be made to answer in damages for a violation of this code for which the surety may be made liable or any condition of the bond.

(C) The instrument designating the director as agent for service of process shall be acknowledged by the applicant before a notary public.

(D) If the director or an employee of the department, in lieu of the director, is served with a summons and complaint on behalf of the licensee, one copy of the summons and complaint shall be left with the director or in the director's office in Sacramento or mailed to the office of the director in Sacramento. A fee of five dollars (\$5) shall also be paid to the director or employee at the time of service of the copy of the summons and complaint, or shall be included with a summons and complaint served by mail.

(E) The service on the director or department employee pursuant to this paragraph is sufficient service on the licensee if a notice of the service and a copy of the summons and complaint is, on the same day as the service or mailing of the summons and complaint, sent by registered mail by the plaintiff or his or her attorney to the licensee. A copy of the summons and complaint shall also be mailed by the plaintiff or plaintiff's attorney to the surety on the licensee's bond at the address of the surety given in the bond, postpaid and registered with request for return receipt.

(F) The director shall keep a record of all processes served pursuant to this paragraph showing the day and hour of service, and shall retain the documents served in the department's files.

(G) If the licensee is served with process by service upon the director or a department employee in lieu of the director, the licensee has 30 days after that service within which to answer any complaint or other pleading filed in the cause. For purposes of venue, if the licensee is served with process by service upon the director or a department employee in lieu of the director, the service is considered to have been made upon the licensee in the county in which the licensee has or last had his or her established place of business.

(7) Meet the requirements of Section 11202.5 and subdivision (b) of Section 11208, relating to traffic violator school operators, if the owner is also the operator of the traffic violator school. If the owner is not the operator of the traffic violator school, the owner shall designate an operator who shall meet the requirements of Section 11202.5.

(8) Provide the department with a written assurance that the school will comply with the applicable provisions of Subchapter II or III of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.), and any other federal and state laws prohibiting discrimination against individuals with disabilities. Compliance may include providing sign language interpreters or other accommodations for students with disabilities.

(b) The qualifying requirements specified in subdivision (a) shall be met within one year from the date of application for a license, or a new application and fee is required.

(c) Paragraphs (3) and (6) of subdivision (a) do not apply to public schools or other public agencies, which shall also not be required to post a cash deposit pursuant to Section 11203.

(d) Paragraph (7) of subdivision (a) does not apply to public schools or other public educational institutions.

(e) A notice approved by the department shall be posted in every traffic violator school, branch, and classroom location stating that any person involved in the offering of, or soliciting for, a completion certificate for attendance at a traffic violator school program in which the person does not attend or does not complete the minimum amount of instruction time provided by subdivision (a) may be guilty of violating Section 134 of the Penal Code.

*Amended Ch. 1221, Stats. 1988. Effective January 1, 1989. Supersedes Ch. 1196.*

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

*Amended Ch. 969, Stats. 1992. Effective January 1, 1993.*

*Amended Ch. 1053, Stats. 1994. Effective January 1, 1995.*

#### *Requirements for Traffic Violator School Operators*

11202.5 (a) The department shall license traffic violator school operators. No person shall act as a traffic violator school operator without a currently valid license issued by the department. Every person, in order to qualify as a traffic violator school operator, shall meet all of the following criteria in order to be issued a traffic violator school operator's license:

(1) Have not committed any act which, if the applicant were licensed as a traffic violator school operator, would be grounds for suspension or revocation of the license.

(2) Within three attempts, pass an examination that the department requires on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, traffic violator school statutes and regulations, and office procedures and recordkeeping.

(3) Be 18 years of age or older.

(4) Have worked for an established California traffic violator school ***or an established commercial driving training and education program operated by a bona fide labor organization*** as an instructor for a period of not less than 500 hours of actual ( ) ***inclass*** instruction.

(b) Paragraph (4) of subdivision (a) does not apply to a traffic violator school operator validly licensed prior to January 1, 1987.

(c) All the qualifying requirements specified in this section shall be met within one year from the date of application for the license or the application shall lapse. However, the applicant may thereafter submit a new application upon payment of the required fee.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

*Amended Sec. 1, Ch. 282, Stats. 1999. Effective January 1, 2000.*

*The 1999 amendment added the italicized material, and at the point(s) indicated, deleted the following "in-class"*

#### *Bond Substitute*

11203. In lieu of the bond otherwise required by paragraph (3) of subdivision (a) of Section 11202, the applicant may make a deposit pursuant to Article 7 (commencing with Section 995.710) of Chapter 2 of Title 14 of Part 2 of the Code of Civil Procedure. The director may order the deposit returned at the expiration of three years from the date a traffic violator school licensee has ceased to do business, or three years from the date a licensee has ceased to be licensed, if the director is satisfied that there are no outstanding claims against the deposit. A municipal or superior court may, upon petition, order the return of the deposit prior to the expiration of three years upon evidence satisfactory to the court that there are no outstanding claims against the deposit. If either the director, department, or state is a defendant in any civil action instituted to recover all or any part of the deposit, or any civil action is instituted by the director, department, or state to determine those entitled to any part of the deposit, the director, department, or state shall be paid reasonable attorney fees and costs from the deposit. Costs shall include those administrative costs incurred in processing claims against the licensee recoverable from the deposit.

*Amended Ch. 1221, Stats. 1988. Effective January 1, 1989.*

*Amended Ch. 1241, Stats. 1992. Effective January 1, 1993.*

#### *Cause of Action Against Owner and Bond*

11203.5. If the state or any of its political subdivisions suffers any loss or damage by reason of any fraudulent practice or representation or by reason of any violation of this division by a traffic violator school owner, the department may bring a cause of action against the traffic violator school owner and the surety upon the owner's bond.

*Added Ch. 1221, Stats. 1988. Effective January 1, 1989.*



### *Issuance and Renewal of Licenses*

11204. The department shall issue a license certificate to each traffic violator school owner and each traffic violator school operator licensed pursuant to this chapter. The term of the license shall be for a period of one year from the date of issue unless canceled, suspended, or revoked by the department. The license shall be renewed annually. The department shall require compliance with Section 11202 for renewal of the license of a traffic violator school owner. The department shall require compliance with Section 11202.5 for renewal of the license of a traffic violator school operator.

Where in its judgment the public interest so requires, the department may issue a probationary license subject to special conditions to be observed by the licensee in the conduct of the traffic violator school. The conditions to be attached to the license shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein. The conditions shall not appear on the license certificate.

Upon notification of death of a traffic violator school licensee, the department may issue a temporary license to the executor or administrator of the estate of a deceased holder of a validly outstanding license to conduct a traffic violator school, or if no executor or administrator has been appointed and until a certified copy of an order making such an appointment is filed with the department, a temporary license may be issued to the surviving spouse or other heir entitled to conduct the business of the deceased. The temporary license shall permit the holder to conduct the traffic violator school for a period of one year from and after the date of the original licensee's death, and necessary one-year extensions may be granted to permit disposal of the business and qualification for a license of a purchaser of the business or the surviving spouse or heir. The department may restrict or condition a temporary license and attach to the exercise of the privilege thereunder any terms and conditions that in the department's judgment are required for the protection of the public.

*Amended Ch. 396, Stats. 1985. Effective July 30, 1985.*

### *Publication of List of Traffic Violator Schools*

11205. (a) The department shall publish a traffic violator school referral list of all the approved locations of traffic violator school classes, by school name, to be transmitted to each municipal court in the state, and to each superior court in a county in which there is no municipal court, in sufficient quantity to allow the courts to provide a copy to each person referred to traffic violator school. The list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. It shall include all of the following:

(1) The name of each traffic violator school or, pursuant to subdivision (d), the general term "traffic violator school" followed by its traffic violator school license number.

(2) A phone number used for student information.

(3) The county and the judicial district.

(4) The cities where classes are available.

(b) Each traffic violator school owner shall be permitted one school name in a judicial district.

(c) The list shall be organized alphabetically in sections for each county and subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) On the list prepared by the department under subdivision (c), each traffic violator school shall appear by name unless a court determines, pursuant to subdivision (e), that a name is inappropriate and directs the department to delete the name and instead list the school by the term "traffic violator school" followed by its license number. The deletion of the name of a school from the list for a judicial district shall not affect whether that school appears by name on the list for any other judicial district within the state. In making a determination under this subdivision regarding the deletion of a name from the list, the court shall use as its criteria whether the name is misleading to the public, undignified, or implies that the school offers inducements or premiums which derogate or distort the instructional intent of the traffic safety program.

(e) When the department transmits any referral list pursuant to subdivision (a), each court shall do all of the following:

(1) Within 30 days of receipt of the list, notify the school owner of any school name that the court intends to remove from the referral list.

(2) Within 60 days of receipt of the list, make every effort to schedule, conduct, and complete a hearing for the school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) Within 10 days of the completion of that hearing, notify the department and school owner of any school names it intends to remove from the referral list.

(f) In order for a court action to delete a school name from the next referral list published by the department, the department shall receive court notification no later than 90 days prior to publication of the next referral list and, absent a direct order by the appellate division of the superior court or a court of higher jurisdiction, the department shall not fail to publish a referral list on the grounds that there exists pending litigation or appeals concerning the lists.

(g) Any court notifying the department of a school name it intends to remove from the list, pursuant to this section, shall provide the school owner with the name of the judge making those findings.

(h) When a court informs a school owner, pursuant to subdivision (e), of its decision to delete the name of a traffic violator school from that judicial district's subsection of the department's traffic violator school referral list, the owner may, on a form approved by the department, submit a substitute name to the court and request approval of that name. The court shall, within 30 days of receipt of the request for approval of the substitute name, inform the department and the school owner, on a form approved by the department, of its approval or rejection of the substitute name. The school owner may continue this appeal process for approval of a substitute name until the court determines that the name does not violate the standard set forth in subdivision (d). A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. The department shall not impose any fee or license requirement under this subdivision.

(i) If a court fails to act within 30 days on a request of a traffic violator school owner, pursuant to subdivision (h), the proposed substitute name shall be deemed approved by the court for the purposes of the traffic violator school referral list.

(j) (1) Every application filed with the department on and after June 1, 1991, for an original license by a traffic school owner or for approval to conduct classes in a judicial district not previously approved, shall be accompanied by the approval of the court in each judicial district proposed for those operations of the name of the school, on a form approved by the department for that purpose. For the approved name to be included in the traffic violator school referral list, the form shall be received by the department no later than 90 days prior to publication.

(2) When a court disapproves a school name pursuant to this subdivision, the court shall notify the school owner within 30 days of its disapproval and schedule a hearing for that school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) The court shall make every effort to schedule, conduct, and complete a hearing within 60 days of receipt of the school owner's request for a school name approval. A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. A change in physical location by a school within a judicial district shall not require approval pursuant to this subdivision.

(k) The department shall publish a list of the owners of traffic violator schools. One copy shall be provided to each municipal court in the state, and to each superior court in a county in which there is no municipal court. This list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. This list shall include all of the following:

(1) The name of each school, grouped by owner.

- (2) The business office address.
- (3) The business office telephone number.
- (4) The license number.
- (5) The owner's name.
- (6) The operator's name.

(l) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location situated within the judicial districts in which that agency provides services to the courts and is represented on its referral list. The monitoring shall occur at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis.

(m) The court may charge a traffic violator a fee to defray the costs incurred by the agency for the monitoring reports and services provided to the court. The court may delegate collection of the fee to the agency. Fees shall be approved and regulated by the court. Until December 31, 1996, the fee shall not exceed the actual cost incurred by the agency or five dollars (\$5), whichever is less.

(n) If any provision of subdivision (d) or (e), as added by Section 4 of Assembly Bill 185 of the 1991-92 Regular Session, or the application thereof to any person, is held to be unconstitutional, this section is repealed on the date the decision of the court so holding becomes final.

*Amended Ch. 1091, Stats. 1990. Effective September 20, 1990.*

*Repealed and Added Ch. 411, Stats. 1991. Effective September 17, 1991 by terms of an urgency clause.*

*Amended Ch. 308, Stats. 1994. Effective July 21, 1994.*

*Amended Sec. 1, Ch. 58, Stats. 1995. Effective July 6, 1995 by terms of an urgency clause.*

*Amended Sec. 48, Ch. 571, Stats. 1997. Effective January 1, 1998.*

*Amended Sec. 455.5, Ch. 931, Stats. 1998. Effective January 1, 1999.*

**NOTE: If any provision of subdivision (d) or (e), as added by Section 4 of Assembly Bill 185 of the 1991-92 Regular Session, or the application thereof to any person, is held to be unconstitutional, the preceding section is repealed on the date the decision of the court so holding becomes final and the following section becomes operative.**

11205. (a) The department shall publish semiannually, or more often as necessary to serve the purposes of this act, a list of all traffic violator schools which are licensed pursuant to this section. The list shall identify classroom facilities within a judicial district that are at a different location from a licensed school's principal facility. The department shall transmit the list to each municipal court and to each superior court in a county in which there is no municipal court, with a sufficient number of copies to allow the courts to provide one copy to each person referred to a licensed traffic violator school. The department shall, at least semiannually, revise the list to ensure that each court has a current list of all licensed traffic violator schools.

(b) Each licensed traffic violator school owner shall be permitted one school name per judicial district.

(c) The referral list shall be organized alphabetically, in sections for each county, and contain subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current referral list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location situated within the judicial districts in which that agency provides services to the courts and is represented on

its referral list. The monitoring shall occur at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis.

(e) The court may charge a traffic violator a fee to defray the costs incurred by the agency for the monitoring reports and services provided to the court. The court may delegate collection of the fee to the agency. Fees shall be approved and regulated by the court. Until December 31, 1996, the fee shall not exceed the actual cost incurred by the agency or five dollars (\$5), whichever is less.

(f) If any provision of subdivision (d) or (e) of Section 11205, as added by Section 4 of Assembly Bill 185 of the 1991-92 Regular Session, or the application thereof to any person, is held to be unconstitutional, that Section 11205 is repealed on the date the decision of the court so holding becomes final, and on that date, this section shall become operative.

*Added Ch. 1091, Stats. 1990. Effective September 20, 1990.*

*Repealed and Added Ch. 411, Stats. 1991. Effective September 17, 1991 by terms of an urgency clause.*

*Amended Ch. 308, Stats. 1994. Effective July 21, 1994.*

*Amended Sec. 2, Ch. 58, Stats. 1995. Effective July 6, 1995.*

*Amended Sec. 48.5, Ch. 571, Stats. 1997. Effective January 1, 1998.*

*Amended Sec. 456, Ch. 931, Stats. 1998. Effective September 28, 1998.*

#### *Court-Approved Driving Instruction Attendance Fee*

11205.1. The fee authorized in subdivision (m) of Section 11205 shall be applicable only in those instances where a traffic violator has agreed to attend or has been ordered to attend a traffic violator school pursuant to Section 42005, a licensed driving school, or any other court-approved program for driving instruction.

*Added Sec. 58, Ch. 850, Stats. 1997. Effective January 1, 1998.*

#### *Requirements For Traffic Violator School Instructors*

11206. (a) The department shall license traffic violator school instructors. Except as exempted by this section, no person shall act as a traffic violator school instructor without a currently valid instructor's license issued by the department. Every person, in order to qualify as a traffic violator school instructor, shall meet all of the following requirements before an instructor's license may be issued:

(1) Have a high school education.

(2) Within three attempts, pass an examination as required by the department, on traffic laws, safe driving practices, operation of motor vehicles, and teaching methods and techniques.

(3) Hold a currently valid California driver's license, which is not subject to probation pursuant to Section 14250 due to the applicant being a negligent operator within the meaning of Section 12810 or 12810.5. The applicant's driving record shall not have any outstanding notice for violating a written promise to appear in court or for willfully failing to pay a lawfully imposed fine, as provided in Section 40509.

(4) Be 18 years of age or older.

(b) All the qualifying requirements specified by this section shall be met within one year from the date of application for a license or the application shall lapse. However, the applicant may thereafter submit a new application upon payment of the requisite fee.

(c) A license issued pursuant to this section is not required to provide instruction to traffic violators in a public school or other public educational institution by a person holding a valid teaching credential with satisfactory training or experience in the subject area, as determined by the department. Persons exempt from licensure under this section are not required to obtain a license certificate pursuant to Section 11207.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

#### *Application for License*

11206.5. Each applicant for a license as a traffic violator school owner, traffic violator school operator, or traffic violator school instructor shall submit an application to the department on the forms prescribed by the department. The applicant shall provide the department with any information concerning the applicant's character, honesty, integrity, and reputation which the department may consider necessary.

*Added Ch. 75, Stats. 1987. Effective January 1, 1988.*

### *Issuance and Renewal of Licenses*

11207. (a) The department shall issue a license certificate to each traffic violator school instructor when it is satisfied that he or she has met the qualifications required under this chapter. The original instructor license and any license renewed pursuant to subdivisions (b) and (c) shall be valid for a period of three years from the date of issuance unless canceled, suspended, or revoked by the department.

(b) Every application for the renewal of a traffic violator school instructor license may be made by the licensee prior to the expiration date of the license by presenting to the department a completed application on a form provided by the department. In no event shall a traffic violator school instructor renew the license after the date of expiration.

(c) The department shall require all of the following for the renewal of an instructor's license:

(1) Compliance with Section 11206, except subdivision (c) thereof.

(2) Satisfactory completion of an examination as provided in Section 11206 at least once during each succeeding three-year period after the initial issuance of the license. However, in lieu of examination for renewal of the license, the department may accept submission by the licensee of evidence of continuing professional education.

(d) When, in its judgment, the public interest so requires, the department may issue a probationary license subject to special conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the license shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant, as disclosed by the application and investigation by the department of the information contained therein.

*Amended Ch. 111, Stats. 1987. Effective January 1, 1988.*

### *Fees*

11208. (a) Fees for issuance by the department of a license to a traffic violator school owner shall be as follows:

(1) For the original license or an ownership change which requires a new application, except as provided by Section 42231, a fee of one hundred fifty dollars (\$150), with an additional fee of seventy dollars (\$70) for each separate traffic violator school branch or classroom location licensed. The fee prescribed by this subdivision is nonrefundable.

(2) For annual renewal of the license for a traffic violator school and for each branch or classroom location, a fee of fifty dollars (\$50).

(3) If alteration of an existing license is required by a firm name change, a change in corporate officer structure, address change, or the addition of a traffic violator school branch or classroom location, a fee of seventy dollars (\$70).

(4) For replacement of the license certificate when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(b) Fees for the issuance by the department of a license for a traffic violator school operator shall be as follows:

(1) For the original license, a nonrefundable fee of one hundred dollars (\$100).

(2) For annual renewal of the license, a fee of fifty dollars (\$50).

(3) If alteration of an existing license is caused by a change in the name or location of the established principal place of business of the traffic violator school operated by the licensee, including a transfer by a licensee from one traffic violator school to another, a fee of fifteen dollars (\$15).

(4) For replacement of the license certificate when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(c) Fees for the issuance by the department of a license for a traffic violator school instructor shall be as follows:

(1) For the original license, except as provided by Section 42231, a nonrefundable fee of thirty dollars (\$30).

(2) For the triennial renewal of a license, a fee of thirty dollars (\$30).

(3) If alteration of an existing license is required by a change in the instructor's employing school's name or location, or transfer of the instructor's license to another employing school, a fee of fifteen dollars (\$15).

(4) For replacement of the instructor's license certificate when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(d) The department shall charge a fee not to exceed three dollars (\$3) for each completion certificate issued by a traffic violator school to each person completing instruction at the traffic violator school. The amount of the fee shall be determined by the department and shall be a fee sufficient to defray the actual costs incurred by the department for publication and distribution of lists of schools for traffic violators pursuant to Section 11205, for monitoring instruction, business practices, and records of schools for traffic violators and for any other activities deemed necessary by the department to assure high quality education for traffic violators. Upon satisfactory completion of the instruction offered by a licensed traffic violator school, the traffic violator school shall provide the student with a certificate of completion furnished by the department. A traffic violator school shall not charge a fee in excess of the fee charged by the department pursuant to this subdivision for furnishing a certificate of completion. A traffic violator school may charge a fee not to exceed three dollars (\$3), in addition to the fee charged by the department for the issuance of a duplicate certificate of completion. The student shall present this certificate of completion to the court as proof of completion of instruction, and no other proof of completion of instruction may be accepted by the court.

(e) The department shall compile its actual costs incurred to determine the fee prescribed in subdivision (d) and make available its financial records used in the determination of the fee for completion certificates. The fee shall be adjusted every odd-numbered year based upon the costs incurred during the preceding two fiscal years. The records described in this subdivision are public records.

*Amended Ch. 1067, Stats. 1986. Effective January 1, 1987.*

#### *Expired License: Renewal*

11209. Any traffic violator school owner, traffic violator school operator, or traffic violator school instructor required to be licensed under this chapter who fails to renew the license before the expiration of the license may not renew that license, but may reapply for an original license pursuant to this chapter. For purposes of this section, a license that has been canceled may not be renewed and a license that is suspended or revoked may not be renewed, until reinstatement or reissuance by the department. If the period of suspension or revocation extends beyond the expiration of a license, it may not be renewed, but the person may apply for a new license thereafter.

*Amended Ch. 111, Stats. 1987. Effective January 1, 1988.*

#### *Temporary Permit*

11210. Pending determination by the department that an applicant for a license fully satisfies the requirements of this chapter, the department may issue a temporary permit to the applicant. A temporary permit may authorize the operation of a traffic violator school or acting as a traffic violator school operator or traffic violator school instructor for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license.

The department may cancel a temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. A temporary permit is invalid upon cancellation or once the applicant has been issued or denied the license applied for.

*Amended Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Refusal to Issue License*

11211. (a) The department may refuse to issue a license to any applicant under this chapter when it finds and determines that any of the following exist:

(1) The applicant was previously the holder of a license under this chapter which was revoked or suspended.

(2) The applicant was previously the holder of an occupational license issued by another state, authorizing the same or similar activities of a license issued under this division; and that license was revoked or suspended for cause and was never reissued, or was suspended for cause, and the terms of suspension have not been fulfilled.

(3) The applicant has done any act or series of acts which would be a cause for suspension or revocation of licensure under Section 11215, regardless of whether the applicant was licensed under this chapter at the time of the act or acts.

(4) If the applicant is a business, a business representative was the holder of a previously issued license under this chapter that was suspended or revoked or has done any act or series of acts which would be a cause for suspension or revocation of a license under Section 11215, regardless of whether the business representative was licensed under this chapter at the time of the act or acts.

(5) By reason of the facts and circumstances relating to the organization, control, and management of the business, it is likely that both of the following will occur:

(A) The policy or operation of the business will be directed, controlled, or managed by an individual who, by reason of an act, series of acts, or conduct described in paragraph (3) or (4), would be ineligible for a license.

(B) By licensing the business, the purposes of this division would be defeated.

(6) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license under this chapter.

(7) The applicant, or a business representative if the applicant is a business, has been convicted of a crime, or committed any act or engaged in conduct involving moral turpitude which is substantially related to the qualifications, functions, or duties of the licensed activity. A conviction after a plea of nolo contendere is a conviction within the meaning of this section.

(b) Upon refusal of the department to issue a license under this chapter, the applicant is entitled to a hearing upon demand in writing submitted to the department within 60 days after notice of refusal. The hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A person whose license has been revoked or application for a license has been refused may reapply for the license after a period of not less than one year has elapsed from the effective date of the decision revoking the license or refusing the application.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

*Amended Sec. 43, Ch. 877, Stats. 1998. Effective January 1, 1999.*

### *Records of Licensees*

11212. (a) Every owner licensed under this chapter shall keep a record at the traffic violator school's primary business location showing all of the following for each student:

(1) The name and address and license number of the traffic violator school providing instruction.

(2) The name and address of each person given instruction.

(3) The instruction permit number or driver's license number of every person given instruction.

(4) The name and number of the license issued pursuant to Section 11207 of the traffic violator school instructor.

(5) The particular type of instruction given and the date or dates of the instruction.

(6) A statement as to whether the approved lesson plan was followed.

(7) The total number of hours of instruction.

(8) The total cost to the student of the instruction, which shall not exceed the amount of the fee represented or advertised by the traffic violator school at the time of the student's enrollment.

(9) The court docket number under which the student was referred to a traffic violator school.

(10) The number of the completion certificate issued to the student pursuant to subdivision (e) of Section 11208 and, if different, the number of any copy thereof issued to the student.

(b) The records shall be retained for a minimum of three years and shall be open to the inspection during business hours and at all other reasonable times by the department, the court, a private entity providing monitoring pursuant to Section 11222, the Legislative Analyst, and the Auditor General or authorized employees thereof, but shall be only for confidential use.

(c) Whenever a licensee suspends or terminates the licensed activity, the licensee shall surrender the records specified in subdivision (a) to the department for examination not later than the end of the third day, excluding Saturdays, Sundays, and legal holidays, after the date of suspension or termination. The department may duplicate or make a record of any information contained therein. All these records shall be returned to the licensee not later than 30 days after the date of surrender.

*Amended Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Change of Ownership, Location, or Residence*

11213. (a) Every traffic violator school owner licensed pursuant to this chapter shall notify the department within 10 days of any change in the ownership or corporate structure of the licensee.

(b) Every traffic violator school owner shall immediately notify the department of the following activities:

(1) Change of the site or location of the school's established principal place of business.

(2) Addition or deletion of a traffic violator school branch or classroom location.

(c) Every traffic violator school operator and traffic violator school instructor licensed pursuant to this chapter shall report to the department every change of residence address within five days of the change.

(d) The department may require persons licensed pursuant to this chapter to submit additional reports as determined necessary by the department to serve the purposes of this chapter.

*Amended Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Monitoring Schools*

11214. The department may monitor any school for traffic violators, including any traffic violator school branch or classroom location, without advance notice. The monitoring may include, but is not limited to, the instruction provided, business practices, and business records.

*Amended Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Suspension or Revocation of Licenses*

11215. The department, after notice and hearing, may suspend or revoke any license issued under this chapter if any of the following circumstances exist:

(a) The department finds and determines that the licensee ceases to meet any requirement to obtain a license under this chapter.

(b) The holder fails to comply with, or otherwise violates, any provision of this chapter or any regulation or requirement of the department adopted pursuant to this chapter.

(c) The licensee engages in fraudulent practices with respect to its activities licensed under this chapter or induces or fails to promptly report to the department any known fraud or fraudulent practices on the part of any employee of the traffic violator school.

(d) The licensee represents himself or herself as an agent or employee of the department or uses advertising designed to create the impression, or which would reasonably have the effect of leading persons to believe that the licensee was in fact an employee or representative of the department, or whenever the licensee advertises, in any manner or means any statement which is untrue or misleading and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(e) The licensee or any employee or agent of the licensee collects fees for or preregisters any person in traffic violator school or solicits traffic violator school instruction in an office of the department or in any court or within 500 feet of any court.

(f) The licensee is convicted of violating Section 20001, 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23152, or 23153 of this code or Section 192 of the Penal Code. A conviction after a plea of nolo contendere is a conviction within the meaning of this section.



(g) The traffic violator school owner teaches, or permits an employee to teach, traffic safety instruction without a valid instructor's license.

(H) The traffic violator school owner does not have in effect a bond as provided in paragraph (3) of subdivision (a) of Section 11202 or a deposit in lieu of the bond, as specified in Section 11203.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

*Amended Ch. 969, Stats. 1992. Effective January 1, 1993.*

#### *Suspension or Revocation: Additional Grounds*

11215.5. The department, after notice and hearing, may also suspend or revoke any license issued under this chapter when any of the following circumstances exist:

(a) If the main business office of the traffic violator school is located in any county with a population of 400,000 or more in which the traffic violator school conducts its instructional program, and the main business office does not maintain office hours during the time that the day courts in that county are open for business. This subdivision shall not apply to public schools.

(b) If the licensee is found by the department to be selling, or knowingly permitting the sale of, completion certificates.

(c) If the licensee is found by the department to be intentionally cutting instructional time short.

(d) If the licensee is found by the department to be intentionally diverting any student to a traffic school other than the school initially contacted by that student, without disclosure to that student, through the use of the department's list of licensed traffic violator schools.

*Amended Ch. 1196, Stats. 1988. Effective January 1, 1989.*

#### *Suspension or Revocation of License: Additional Causes*

11215.7. Any of the causes specified in this chapter as a cause for refusal to issue a license under this chapter is cause to suspend or revoke a license under this chapter.

*Added Ch. 1563, Stats. 1990. Effective January 1, 1991.*

#### *Cancellation of Licenses*

11216. Any license issued to a traffic violator school owner under this chapter shall be automatically canceled upon the happening of any of the following:

(a) The abandonment of the established place of business or the change thereof without notice to the department pursuant to Section 11213.

(b) The failure to maintain an adequate bond or to procure and file another bond, as required by Section 11202, prior to the effective date of the termination by the surety of any existing bond.

(c) The voluntary or involuntary surrender of the license, except that a surrender or cessation of business by the licensee, or the suspension or revocation of the corporate status of the licensee, does not preclude the department from filing an accusation for revocation or suspension of the surrendered license, as provided in Section 11215 or 11215.5, or affect the department's decision to suspend or revoke the license.

(d) Notification to the department that the person designated as the licensee has changed.

(e) Suspension or cancellation of the corporate status of the licensee.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

#### *Automatic Suspension: Discrimination Against Individuals with Disabilities*

11216.2. (a) Any license issued to the owner or operator of a traffic violator school under this chapter shall be automatically suspended for 30 days by the department if the department has been notified that more than one final determination has been made that the traffic violator school has violated a student's rights under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.) or any other federal or state law prohibiting discrimination against individuals with disabilities. The final determination shall be made by a federal or state court of competent jurisdiction or an appropriate federal or state administrative agency, including, but not limited to, the Department of Fair Employment and Housing, or any combination thereof.

For the purpose of this subdivision, “final determination” means that no further appeal of a determination can be taken to any court because the time period for the appeal has expired.

(b) If a traffic violator school subject to suspension under this section is operated by a traffic school operator licensed pursuant to Section 11202.5 who is operating other traffic schools, the licenses of the owners of those traffic schools operated by that traffic school operator also shall be suspended for the 30-day period.

*Added Ch. 1053, Stats. 1994. Effective January 1, 1995.*

*Amended Sec. 122, Ch. 124, Stats. 1996. Effective January 1, 1997.*

#### *Interim Refusal to Issue or Suspension of License*

11216.5. (a) The department, after notice and hearing, on an interim basis, may refuse to issue or may suspend a license issued under this chapter when the applicant or licensee, or a business representative if the applicant or licensee is a business, has been convicted of a crime involving moral turpitude which is substantially related to the qualifications, functions, or duties of the licensed activity, if an appeal of the conviction is pending or the conviction has otherwise not become final. A conviction after a plea of nolo contendere is a conviction within the meaning of this section.

(b) If a conviction, on which an interim refusal to issue or suspension under subdivision (a) is based, is affirmed on appeal or otherwise becomes final, the refusal to issue or the suspension shall automatically take effect as a denial or revocation, as the case may be, of the license. If the interim refusal to issue or suspension was stayed under probationary terms and conditions, the subsequent automatic denial or revocation shall be also stayed under the same terms and conditions for a term not to exceed the original term of probation for the interim refusal to issue or suspension.

(c) If a conviction, upon which an interim refusal to issue or suspension under subdivision (a) is based, is reversed on appeal, the refusal or suspension shall be set aside immediately by the department.

*Added Ch. 1563, Stats. 1990. Effective January 1, 1991.*

#### *Notice and Hearing Before Suspension or Revocation*

11217. (a) Every licensee under this chapter is entitled to notice and hearing prior to suspension or revocation of the license by the department, except that the department shall immediately suspend the license pursuant to subdivision (e) for any act of fraud specified in subdivision (c) or (d) of Section 11215.

(b) Before reinstatement of any license suspended pursuant to subdivision (a) of Section 11215, the licensee shall pay the department a reinstatement fee of five dollars (\$5).

(c) The notice and hearings provided for in this division shall be pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) Any action of the department in suspending, canceling, revoking, or failing to renew a license issued pursuant to this chapter may be reviewed by any court of competent jurisdiction.

(e) The department may, pending a hearing, temporarily suspend the license or permit of any traffic violator school owner, operator, or instructor for a period of not more than 30 days if the director finds that the public interest so requires. In that case, a hearing shall be held and a decision issued within 30 days after issuance of the notice of temporary suspension.

(f) The suspension, expiration, or cancellation of a license issued pursuant to this chapter does not preclude the filing of an accusation for the revocation or suspension of the suspended, expired, or canceled license, and does not invalidate or otherwise preclude a decision by the department to suspend or revoke the license and this determination may be considered by the department in granting or refusing to grant any subsequent license under this chapter to the same licensee or to any business representative of the same licensee.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

#### *Service of Process*

11217.5. Any owner licensed under this chapter who has closed his or her established place of business or any operator or instructor currently or previously licensed under this chapter who no longer resides at the

address last filed with the department, may be served with process issued pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code by registered mail at that place of business, in the case of an owner, or at that residence, in the case of an operator or instructor, unless the person has notified the department in writing of another address where service may be made.

*Added Ch. 751, Stats. 1988. Effective January 1, 1989.*

#### *Compromise Settlement Agreement*

11218. (a) After the filing of an accusation under this chapter, the director may enter into a stipulated compromise settlement agreement with the consent of the licensee on terms and conditions mutually agreeable to the director, the respondent licensee, and the accuser without further hearing or appeal. The agreement may include, but is not limited to, a period of probation or monetary penalties, or both. The monetary penalty shall not exceed one thousand dollars (\$1,000) per violation for a traffic violator school owner or five hundred dollars (\$500) per violation for traffic violator school operators or instructors, and shall be based on the nature of the violation and the effect of the violation on the purposes of this chapter.

(b) A compromise settlement agreement may be entered before, during, or after the hearing, but is valid only if executed and filed pursuant to subdivision (d) before the proposed decision of the hearing officer, if any, is adopted or the case is decided.

(c) The department shall adopt, by regulation, a schedule of maximum and minimum amounts of monetary penalties, the payment of which may be included as a term or condition of a compromise settlement agreement entered under subdivision (a). Any monetary penalty included in a compromise settlement agreement shall be within the range of monetary penalties in that schedule.

(d) Any compromise settlement agreement entered under this section shall be signed by the director, the respondent licensee, and the accuser, or by their authorized representatives. The director shall file, or cause to be filed, the agreement with the Office of Administrative Hearings, together with the department's notice of withdrawal of the accusation or statement of issues upon which the action was initiated, unless that accusation or statement has not yet been forwarded to the Office of Administrative Hearings.

(e) If the respondent licensee fails to perform all of the terms and conditions of the compromise settlement agreement, the agreement is void and the department may take any action authorized by law notwithstanding the agreement, including, but not limited to, refiling the accusation or imposing license sanctions.

*Amended Ch. 1243, Stats. 1992. Effective September 30, 1992.*

#### *Conduct of Courses: Rules and Regulations*

11219. The director may prescribe rules and regulations for traffic violator schools regarding the conduct of courses of education including curriculum, facilities, and equipment. The director may also prescribe rules and regulations for the conduct of instructor training courses.

*Added Ch. 1037, Stats. 1984. Effective January 1, 1985.*

#### *Issuance of Receipts*

11219.5. A traffic violator school shall issue a receipt for any fee collected by the traffic violator school from any person who registers for or attends, or both, the traffic violator school.

*Added Ch. 396, Stats. 1985. Effective July 30, 1985.*

#### *Reexamination*

11220. The department may require any person licensed under this chapter to submit to a reexamination of his or her qualifications when there is reasonable cause to believe that the licensee does not have the ability to give instruction. If the licensee refuses or fails to submit to the reexamination, the department may, without a hearing, temporarily suspend his or her license until such time as the licensee submits to the reexamination. The suspension shall be effective upon receipt of notice by the licensee.

*Added Ch. 1037, Stats. 1984. Effective January 1, 1985.*

### *Contract with Nongovernmental Agency*

11222. The department may contract with a nongovernmental entity to administer any part of this chapter, subject to limitations in other laws regarding contracting out for services. No such contract shall exceed three years' duration. The contracting entity, and any affiliate or subsidiary thereof monitoring traffic violator schools, shall conform to all of the following requirements:

(a) Engage in no other business activity with traffic violator schools or any of the principals of the traffic violator schools, including the provision of services or supplies.

(b) Provide reports in statistical form to the department and to the Legislature as instructed by the department. These reports shall be issued not less frequently than annually.

(c) Make its records available for inspection by authorized representatives of the department, the Legislative Analyst, and the Auditor General.

*Amended Ch. 396, Stats. 1985. Effective July 30, 1985.*

### *Failure to Comply with a Court Order: Notice to Department*

40509.1. If any person has willfully failed to comply with a court order, except a failure to appear, to pay a fine, or to attend traffic violator school, which was issued for a violation of this code, the magistrate or clerk of the court may give notice of the fact to the department.

*Added Ch. 158, Stats. 1993. Effective July 21, 1993.*

*Amended Sec. 77, Ch. 877, Stats. 1998. Effective January 1, 1999.*

### *Traffic Violator School: Failure to Submit Proof of Completion*

40512.6 . If a defendant who elects to attend a traffic violator school in accordance with Section 42005 fails to submit proof of completion within the time ordered by the court or any extension thereof, the court may, following notice to the defendant, order that the fee paid by the defendant be converted to bail and declare the bail forfeited. The bail forfeiture under this section shall be distributed as provided by Section 42007. Upon forfeiture of the bail, the court may order that no further proceedings shall be had in the case.

*Added Ch. 90, Stats. 1991. Effective June 30, 1991 by terms of an urgency clause.*

### *Time to Appear*

40501 . (a) The time specified in the notice to appear shall be a specific date which is at least 21 days after the arrest, except that the court having jurisdiction over the offense charged may authorize the arresting officer to specify on the notice that an appearance may be made before the time specified.

(b) In the case of juveniles, the court having jurisdiction over the offense charged may require the arresting officer to indicate on the notice "to be notified" rather than specifying a specific date pursuant to subdivision (a).

*Amended Ch. 557, Stats. 1986. Effective August 22, 1986.*

### *Court-Ordered Driving Instruction*

42005. (a) The court may order any person convicted of a traffic violation to attend a traffic violator school licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5.

(b) In lieu of adjudicating a traffic offense, and with the consent of the defendant, or after conviction of a traffic offense, the court may order any person issued a notice to appear for a traffic violation to attend a traffic violator school licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5.

(c) Except as otherwise provided in subdivision (d), any person so ordered may choose the traffic violator school the person will attend. The court shall make available to each person subject to such an order the current list of traffic violator schools published by the department pursuant to Section 11205.

(d) In those counties where, prior to January 1, 1985, one or more individual courts, or the county acting on behalf of one or more individual courts, contracted for the provision of traffic safety instructional services to traffic violators referred by the court pursuant to a pretrial diversion program, the courts may restrict referrals

under this section to those schools for traffic violators or licensed driving schools which are under contract with the court or with the county to provide traffic safety instructional services for persons referred pursuant to subdivision (a).

(e) A county described in Section 28023 of the Government Code may continue to provide the program authorized by this section in accordance with the provisions of current and future contracts as may be amended and approved by the individual courts within that county and the county shall be exempt from state regulations relative to maximum classroom attendance.( )

***(f) Notwithstanding subdivision (b), a court may not order a person to attend traffic violator school in lieu of adjudicating an offense if the person was issued a notice to appear for a serious traffic violation, as defined in subdivision (i) of Section 15210, that occurred in a commercial motor vehicle, as defined in subdivision (b) of Section 15210.***

(g) Any person who willfully fails to comply with a court order to attend traffic violator school is guilty of a misdemeanor.

*Amended Ch. 1354, Stats. 1990. Effective January 1, 1991.*

*Amended Sec. 54, Ch. 724, Stats. 1999. Effective January 1, 2000.*

*The 1999 amendment added the italicized material, and at the point(s) indicated, deleted the following "(e)"*

#### *Traffic Violator School Study: Participation*

42005.1. The court may order any person designated to attend a traffic violator school to instead participate in a study of traffic violator schools licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5. The person's participation in that study constitutes attending a court-supervised program of traffic safety instruction for purposes of Section 42007.

*Added Ch. 1354, Stats. 1990. Effective January 1, 1991.*

#### *Diversion Program as Alternative to Procedure Required Under Code: Prohibition*

42005.3. Operative January 1, 1993, no local authority may allow a person who is alleged to have committed a traffic offense in violation of this code or an ordinance or resolution adopted under this code, to participate in a driver awareness or education program or in any other diversion program as an alternative to the procedure required to be followed under this code for alleged violations of this code.

This section does not apply to diversion programs for minors who commit infractions not involving a motor vehicle for which no fee is charged.

*Added Ch. 1199, Stats. 1992. Effective September 15, 1992.*

#### *No Computation for Average Daily Attendance*

42005.5. Notwithstanding Section 46300 or 84500 of the Education Code or any other provision of law, on and after September 1, 1985, attendance at a school for traffic violators ordered pursuant to Section 42005 shall not be included in computing the average daily attendance of any school district, community college district, or other public educational institution for purposes of allocation of state funds.

*Added Ch. 959, Stats. 1985. Effective September 25, 1985.*

#### *Uniform Fee for Court-Ordered Driving Instruction*

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, "total bail" means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the "total bail" is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(b) ( )<sup>1</sup> Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code in the general fund of the county ( )<sup>2</sup> ***and, as may be applicable, distributed as follows:***

(1) ***In any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar (\$1) for each fund so established shall be deposited with the county treasurer and placed in that fund.***

(2) ( )<sup>3</sup> ***In any county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, an amount equal to the sum of each two dollars (\$2) for every seven dollars (\$7) that would have been collected pursuant to Section 76000 of the Government Code shall be deposited in that fund. Nothing in the act that added this paragraph shall be interpreted in a manner that would result in either of the following:***

(A) ***The utilization of penalty assessment funds that had been set aside, on or before January 1, 2000, to finance debt service on a capital facility that existed before January 1, 2000.***

(B) ***The reduction of the availability of penalty assessment revenues that had been pledged, on or before January 1, 2000, as a means of financing a facility which was approved by a county board of supervisors, but on January 1, 2000, is not under construction.***

(c) ***For fees resulting from city arrests, an amount equal to the amount of base fines that would have been deposited in the treasury of the appropriate city pursuant to paragraph (3) of subdivision (b) of Section 1463.001 of the Penal Code shall be deposited in the treasury of the appropriate city.*** ( )<sup>4</sup>

(d) As used in this section, "court-supervised program" includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code. ( )<sup>5</sup>

(e) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993. ( )<sup>6</sup>

(f) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

***NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.***

*Amended Ch. 1354, Stats. 1990. Effective January 1, 1991.*

*Amended Ch. 90, Stats. 1991. Effective June 30, 1991.*

*Amended Ch. 189, Stats. 1991. Effective July 29, 1991.*

*Amended Ch. 1168, Stats. 1991. Effective October 14, 1991.*

*Amended Sec. 59, Ch. 850, Stats. 1997. Effective January 1, 1998.*

*Amended Sec. 2, Ch. 679, Stats. 1999. Effective January 1, 2000.*

*The 1999 amendment added the italicized material, and at the point(s) indicated, deleted the following:*

*"(1)"*

*“, provided that in”*

*"(2) Commencing July 1, 1998, for”*

*"(c)"*

*"(d)"*

*"(e)"*

#### ***Traffic Violator School Fee: Allocation: County General Fund***

42007.1. (a) The fee collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars (\$24).

(b) Notwithstanding subdivision (b) of Section 42007, the revenue from the twenty-four dollar (\$24) fee collected under this section shall be deposited in the county general fund.

*Added Sec. 60, Ch. 850, Stats. 1997. Effective January 1, 1998. Supersedes Sec. 4, Ch. 703.*

California Code of Regulations. Title 13, Chapter 1.

Government Code. Section 6157 (a) - (d).

6157. (a) The state, and each city, whether general law or chartered, county, and district, each subdivision, department, board, commission, body, or agency of the foregoing, shall accept personal checks drawn in its favor or in favor of a designated official thereof, in payment for any license, permit, or fee, or in payment of any obligation owing to the public agency or trust deposit, if the person issuing the check furnishes to the person authorized to receive payment satisfactory proof of residence in this state and if the personal check is drawn on a banking institution located in this state.

(b) If any personal check offered in payment pursuant to this section is returned without payment, for any reason, a reasonable charge for the returned check, not to exceed the actual costs incurred by the public agency, may be imposed to recover the public agency's processing and collection costs. This charge may be added to, and become part of, any underlying obligation other than an obligation which constitutes a lien on real property, and a different method of payment for that payment and future payments by this person may be prescribed.

(c) The acceptance of a personal check pursuant to this section constitutes payment of the obligation owed to the payee public agency to the extent of the amount of the check as of the date of acceptance when, but not before, the check is duly paid.

(d) The provisions in subdivision (b) prohibiting a returned check charge being added to, and becoming a part of, an obligation which constitutes a lien on real property do not apply to obligations under the Veterans' Farm and Home Purchase Act of 1974 (Article 3.1(commencing with Section 987.50) of Chapter 6 of Division 4 of the Military and Veterans Code).



GRAY DAVIS, *Governor*  
State of California

MARIA CONTRERAS-SWEET, *Secretary*  
Business, Transportation and Housing Agency

STEVEN GOURLEY, *Director*  
Department of Motor Vehicles

